IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.6176 of 2002

Dated: July 5, 2006

Between:

K. Shashi Kapoor, S/o. K. Ramakrishna,
aged about 35 years, R/o. House No.20,
Picket Fisherpura, Secunderabad,
Opp: Jubilee Bus Stop.

… Petitioner

And

State of A.P., through Amberpet P.S.,
Hyderabad, and another.

… Respondents

Order:

This writ petition has been filed seeking a Writ of Mandamus to direct the respondents to get the death of the petitioner's sister, Mrs. Latha, investigated by the CB-CID.

2. Heard the learned counsel for the petitioner and the learned Government Pleader appearing on behalf of the respondents.

3. It is the case of the petitioner that he is the brother of

Mrs. Latha (deceased), who was married to one Mr.B. Raju, S/o. Smt. B. Muthyalamma, residing in H.No.2-2-73/10, Turabnagar, Amberpet, Hyderabad, on 19-05-1989. It is stated that the petitioner's sister lived happily in the house of her in-laws for 15 days and thereafter; her husband and other family members started harassing her for additional dowry. It is further stated that on 22-03-2002, the petitioner came to know that his sister was admitted in the hospital and after enquiring her sister; the petitioner came to know that her statement was obtained under duress threatening her and her children with dire consequences. As such, he sought the matter to be investigated by the CB-CID.

4. Counter affidavit has been filed by the respondents stating that on a complaint made on 23-03-2002, a case in Cr.No.88 of 202 was registered for the alleged offences on the file of the Amberpet Police Station. It is stated that immediately after receipt of information from the hospital about the admission of the decease with burn injuries, a Head Constable had gone to the hospital and recorded the statement of the deceased, wherein she stated that she had herself poured kerosene and set herself ablaze. Subsequently, the sister of the petitioner died on 25-03-2002. Further enquiry revealed that there was harassment by the husband of the deceased for additional dowry with lead to suicide of the deceased. Thereafter the provision of law was altered from "women burns" to Sections 498-A and 306 of the Indian Penal Code and thereafter chargesheet was filed on 09-04-2003. It is submitted by the learned Government Pleader that subsequently the case was tried in C.C.No.39 of 2002 on the file of the VII Additional Sessions Judge and the accused was acquitted after completion of trial.

5. In view of the subsequent events after the writ petition was filed, as is evident from the counter affidavit, it cannot be said that the respondents have not undertaken proper investigation. Hence, I do not find any valid ground to order investigation by the CB-CID at this stage.

6. The writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

July 5, 2006
MRR